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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 5 July 2018

38/3. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also General Assembly resolution 41/128 of 4 December 1986, entitled "Declaration on the Right to Development", in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling further General Assembly resolution 48/141 of 20 December 1993, entitled "High Commissioner for the promotion and protection of all human rights", in which the Assembly recalled that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in the promotion and encouragement of respect for human rights,

Reaffirming General Assembly resolution 33/134 of 19 December 1978, entitled "United Nations Conference on Technical Cooperation among Developing Countries", in which the Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries,

Recalling all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 35/8 of 22 June 2017 and Assembly resolution 72/171 of 19 December 2017,

Taking note with appreciation of the final document and declaration adopted at the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, in which the States members of the Movement of Non-Aligned Countries reiterated, inter alia,

that South-South cooperation is an important element of international cooperation for the sustainable development of their peoples, as a complement to and not as a substitute for North-South cooperation, which allows for the transfer of appropriate technologies, in favourable conditions and on preferential terms,

Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is a matter not only of relations of good-neighbourliness, coexistence or reciprocity but also of a willingness to look beyond mutual interests in order to advance the general interest,

Recognizing that the Movement of Non-Aligned Countries, in its Baku Declaration of 6 April 2018, identified the need to promote unity, solidarity and cooperation among States and pledged to strive to make a constructive contribution towards building a new pattern of international relations based on the principles of peaceful coexistence, cooperation among nations and the right to equality of all States,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue contributes to the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to

be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

Noting that 2018 will mark the fortieth anniversary of the adoption of the Buenos Aires Plan of Action,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and

the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Expresses its concern* at the continued imposition of unilateralism and unilateral coercive measures, which hinder the well-being of the population of the affected countries and create obstacles to the full realization of their human rights;

9. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

10. *Calls upon* the international community to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation and global communications for the promotion of understanding and respect for cultural diversity;

11. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

12. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and in international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

13. *Reaffirms* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and cultural systems, without interference from any other State, in strict conformity with the Charter;

14. *Re-emphasizes* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism;

15. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

16. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

17. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

18. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

19. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;[1]

[1] A/HRC/37/79.

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

21. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

22. *Urges* States to continue to support the funds;

23. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

24. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

25. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

26. *Recognizes* that the response of the international community to pandemics that constitute a threat to public health and to various natural disasters is an example to follow in terms of solidarity and international cooperation;

27. *Requests* all Member States and the United Nations system to foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

28. *Requests* the High Commissioner to prepare a report on the work of the Office of the High Commissioner in the implementation and enhancement of international cooperation in the field of human rights, proposing also possible ways to face the challenges to the promotion and protection of human rights, including the right to development, and to submit the report to the Human Rights Council at its forty-first session;

29. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

30. *Recalls* that, in its resolution 72/171, the General Assembly requested the Human Rights Council to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

31. *Decides* to continue its consideration of the matter in 2018, in accordance with its annual programme of work.

37th meeting
5 July 2018

[Adopted by a recorded vote of 28 to 14, with 3 abstentions. The voting was as follows:

In favour:

Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Brazil, Mexico]

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Resolution adopted by the Human Rights Council on 5 July 2018

38/4. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the Vienna Declaration and Programme of Action,

Recalling the 2030 Agenda for Sustainable Development, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impacts, and Goal 5 on achieving gender equality and empowering all women and girls,

Reaffirming the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of the Parties to the Convention,[1]

Reaffirming also the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention,[2] including, in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

Stressing the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impacts of climate change,

[1] FCCC/CP/2010/7/Add.1, decision 1/CP.16.
[2] See FCCC/CP/2015/10/Add.2, decision 1/CP.21, annex.

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the invitation by the Conference of the Parties to the United Nations Framework Convention on Climate Change to the Paris Committee on Capacity-building, in managing the 2016–2020 workplan, to take into consideration cross-cutting issues, such as gender-responsiveness, human rights and indigenous peoples' and local communities' knowledge,[3]

Welcoming the adoption of the first gender action plan under the Lima Work Programme on Gender at the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change,

Noting the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and local communities' knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that poverty eradication is critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, including the rights of women and girls, who account for the majority of people living in poverty worldwide,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some countries, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

Recognizing that women and girls are disproportionately affected by the negative impacts of climate change, and emphasizing that sudden-onset natural disasters and slow-onset events seriously affect their access to food and nutrition, safe drinking water and

[3] See FCCC/CP/2016/10/Add.2, decision 16/CP.22.

sanitation, health-care services and medicines, education and training, adequate housing and access to decent work,

Recognizing also that women are not only victims but also agents of change, and that the integration of a gender-responsive approach into climate policies, including by conducting gender analysis, ensuring women's right to participate, access to education and training and access to and control over adequate resources, such as clean energy and technology, would increase the effectiveness of climate change mitigation and adaptation,

Noting that gender-responsive climate policies continue to require further strengthening in all activities concerning adaptation, mitigation and related means of implementation, such as finance, technology development and transfer, and capacity-building,

Expressing concern that countries lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries, including those in least developed countries and small island developing States,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Recalling that the Paris Agreement adopted under the United Nations Framework Convention on Climate Change acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Urging States that have not already ratified the Paris Agreement and the Doha Amendment to the Kyoto Protocol to do so,

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and would ensure the greatest possible adaptation and mitigation efforts in order to minimize the adverse impacts of climate change on present and future generations,

Welcoming the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the Climate Change Conference, organized by Fiji and held in Bonn, Germany in November 2017 and April and May 2018 respectively, and looking forward to the twenty-forth session of the Conference of the Parties in Katowice, Poland in December 2018,

Reaffirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the importance for some of the concept of "climate justice" when taking action to address climate change,

Welcoming the convening of the intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders, and taking note of the summary report on the panel discussion prepared by the Office of the United Nations High Commissioner for Human Rights,[4]

[4] A/HRC/35/14.

Noting the research on addressing human rights protection gaps in the context of migration and the displacement of persons across international borders resulting from the sudden-onset and slow-onset adverse effects of climate change and the necessary means of implementation of adaptation and mitigation plans of developing countries to bridge the protection gaps undertaken by the Office of the High Commissioner, pursuant to Human Rights Council resolution 35/20 of 22 June 2017,[5]

Noting also that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, including those of women and girls, when taking action to address the adverse effects of climate change,

Taking note of the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights,[6]

Noting that the Special Rapporteur on the right to food asserted that climate change has long-term and deeper impacts on food insecurity, and recommended that increasing finance to support developing countries in tackling climate change impacts, through adaptation and by addressing loss and damage, is essential,[7]

Noting with appreciation the work of the Climate Vulnerable Forum, which asserted that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting also the establishment and work of regional and subregional initiatives on climate change, including those incorporating a gender-responsive approach,

Noting with appreciation the statement made in 2009 by the Committee on the Elimination of Discrimination against Women on gender and climate change,

Noting the work being undertaken on the rights of women and girls in the context of the adverse impacts of climate change by United Nations agencies, bodies and entities, including the United Nations Environment Programme, the United Nations Development Programme, the World Health Organization, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Entity for Gender Equality and the Empowerment of Women and the Committee on the Status of Women,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and for the people whose situation is most vulnerable to climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls upon* all States to adopt a comprehensive, integrated and gender-responsive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and

[5] A/HRC/38/21.
[6] A/HRC/31/52.
[7] See A/HRC/37/61.

principles thereof, to address efficiently the economic, cultural and social impacts and challenges that climate change represents, for the full and effective enjoyment of human rights for all, particularly to support the resilience and adaptive capacities of women and girls both in rural and urban areas to respond to the adverse impacts of climate change;

5. *Calls upon* States to continue and enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change, to better promote human rights in general and women's access in particular to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology;

6. *Urges* States to strengthen and implement policies aimed at increasing the participation of women in climate change responses at the local, national, regional and international levels, and calls upon the United Nations Entity for Gender Equality and the Empowerment of Women and other United Nations agencies to support upon request national programmes and projects in this regard;

7. *Decides* to incorporate into the programme of work for the forty-first session of the Human Rights Council, on the basis of the different elements contained in the present resolution, a panel discussion on the theme "Women's rights and climate change: climate action, best practices and lessons learned", focusing on best practices and lessons learned in the promotion and protection of the rights of women and girls in the context of the adverse impacts of climate change;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report of the panel discussion to the Human Rights Council at its forty-second session;

9. *Also requests* the Office of the High Commissioner, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, the United Nations Entity for Gender Equality and the Empowerment of Women, the Commission on the Status of Women, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, from within existing resources, an analytical study on the integration of a gender-responsive approach into climate action at the local, national, regional and international levels for the full and effective enjoyment of the rights of women, to be circulated to States and other stakeholders and to be submitted to the Council in sufficient time but no later than 30 days prior to the forty-first session;

10. *Invites* special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts and civil society organizations, to contribute actively to the panel discussion;

11. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impacts of climate change on the full and effective enjoyment of human rights, particularly women's rights, within their respective mandates;

12. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

14. *Decides* to remain seized of the matter.

37th meeting
5 July 2018

[Adopted without a vote.]

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38/5. Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the fact that all forms of discrimination on the basis of sex are contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated,

Reaffirming the importance of fully implementing General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", including the commitment of all States to achieve gender equality and empower all women and girls, and to eliminate all forms of violence against all women and girls in the public and private spheres,

Recalling the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, including the responsibility of business enterprises to respect human rights, bearing in mind the different risks faced by women and men,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to eliminate violence against women and girls,

Reaffirming that the same rights that people have offline must also be protected online,

Taking note with appreciation of the report of the Special Rapporteur on violence against women, its causes and consequences, on online violence against women and girls,[1]

Taking note with appreciation also of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on the use of encryption and anonymity in digital communications,[2]

Taking note of the report of the United Nations Entity for Gender Equality and the Empowerment of Women on the activities of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women,[3]

Recognizing that digital technologies can play an important role in empowering women and girls to exercise all human rights, including the right to freedom of opinion and expression, and in their full, equal and effective participation in political, economic, cultural and social life,

Expressing deep concern at the continued prevalence of violence against all women and girls in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses or impairs their human rights and, as such, is completely unacceptable,

Stressing that "violence against women and girls" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including in digital contexts, and noting the economic and social harm caused by such violence,

Reiterating the need to intensify efforts at all levels and to engage with all stakeholders, including men and boys alongside women and girls as agents of change, to prevent and eliminate all forms of violence against women and girls in the public and private spheres, including the need to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence,

Recognizing that violations, abuses, discrimination and violence against women and girls in digital contexts, inter alia, harassment, stalking, bullying, threats of sexual and gender-based violence, death threats, arbitrary or unlawful surveillance and tracking, trafficking in persons, extortion, censorship and the hacking of digital accounts, mobile telephones and other electronic devices, with a view to discrediting women and girls and/or inciting other violations and abuses against them, are a growing concern and underline the need to address systemic gender-based discrimination through effective responses that are in accordance with human rights,

Recognizing also that violence against women and girls, including in digital contexts, is a global phenomenon rooted in historical and structural inequalities in power relations between women and men, which further reinforce gender stereotypes and barriers to women's and girls' full enjoyment of all human rights, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy, and political and individual decision-making, as well as in leadership roles, hindering them from the exercise and enjoyment of human rights and fundamental freedoms,

Recognizing further that violence against women and girls is a manifestation of gender inequality and discrimination against women and girls, and can impede their economic empowerment and impose direct and indirect short- and long-term costs on

[1] A/HRC/38/47.
[2] A/HRC/29/32.
[3] A/HRC/35/3–E/CN.6/2017/7.

individuals and society, including loss of livelihood and lack of access to digital financial services and the psychological and physical impact thereof, as well as additional expenses relating to health-care services, the legal sector, social welfare and specialized services,

Condemning the dissemination of content that promotes and reinforces violence against women and girls, which can result in the perpetual revictimization and retraumatization of women and girls, given that a permanent digital record is created by content shared in digital contexts,

Recognizing the particular risk of violence faced by all women and girls who suffer multiple and intersecting forms of discrimination, and stressing the urgent need to address all forms of violence and discrimination against them,

Strongly condemning all acts of violence against women and girls involved in political and public life, including women parliamentarians, political candidates, journalists and human rights defenders,

Expressing concern at the institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict equal access to digital technologies, health-care services, education and employment, thus hindering their empowerment, increasing their vulnerability to violence and compounding the violence experienced,

Recognizing the need to ensure the integration of gender perspectives and to promote the early, full and effective participation of women and girls in the conceptualization, development and implementation of digital technologies and related policies, regulation and legislation in an effort to prevent and eliminate violence against women and girls in digital contexts,

Recognizing also the need to strengthen partnerships among all stakeholders to build the capacity of women to fully participate in and enjoy the benefits of the information society, including e-governance, where it exists and as it is developed, and participatory approaches,

Recognizing further that the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts and the continual use and adaptation of digital technologies by perpetrators to avoid detection and investigation call for active cooperation among different actors, including States and their law enforcement and judicial authorities, and private actors with regard to detecting crimes, reporting them to competent authorities for investigation, safeguarding electronic evidence of crimes and handing the evidence over to those authorities in a timely manner,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;

2. *Condemns in the strongest possible terms* all forms of violence against women and girls, including sexual and gender-based violence, perpetrated through the use of digital technologies;

3. *Expresses deep concern* that all forms of discrimination, intimidation, harassment and violence in digital contexts prevent women and girls from fully enjoying their human rights and fundamental freedoms, including the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association, and the right to privacy, in accordance with obligations under international law, which hinders their full, equal and effective participation in economic, social, cultural and political affairs and is an impediment to achieving gender equality and the empowerment of all women and girls;

4. *Recognizes* that the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health includes having access to the information, education and means to exercise this right, both online and offline;

5. *Also recognizes* that digital technologies can offer access to information that enables women and girls to make informed and autonomous decisions in matters regarding their own bodies, lives and health, including their sexual and reproductive health and

reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences;

6. *Further recognizes* that encryption and anonymity may contribute to individuals' full enjoyment of human rights, including the right to freedom of opinion and expression and the right to privacy, in accordance with international law, and may empower individuals, including women and girls, to access information and ideas, to seek help, assistance and guidance and to freely explore and express ideas relating to their identity and human rights;

7. *Draws attention* to the fact that, in order to ensure the full participation of women and girls in the digital age, digital divides, which disproportionately affect women and girls living in rural or remote areas, need to be addressed by facilitating women's and girls' equal access to digital technologies, to science, technology, engineering and mathematics education and to a technological environment that is conducive to engagement by all women and girls, including through the use of assistive technologies, and promotes a safe and secure digital environment for women and girls, without discrimination or risk of violence and with particular focus on the needs of women and girls facing intersecting systemic inequalities;

8. *Stresses* that violence against women and girls may discourage them from using digital technologies, thereby depriving them of effective tools to fully enjoy their human rights, and could result in additional economic, social and psychological harm to them;

9. *Recognizes* that a proactive and reactive multipronged approach, working with all relevant parties, to eliminate violence against women and girls in digital contexts is required, including education and media campaigns, promoting a culture of respect and non-discrimination online and offline, and maintaining awareness of technological change in order to respond to new methods of violence against women and girls in digital contexts as they emerge;

10. *Calls upon* States to take immediate and effective action to prevent all forms of violence against women and girls, including in digital contexts, by:

(a) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes, including unequal power relations, and risk factors of violence against women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and girls and are in compliance with their international human rights obligations;

(b) Prioritizing the integration of gender perspectives, and ensuring the early, full and effective participation of women and girls in the development and implementation of national policies, legislation, programmes, projects, strategies and regulatory and technical instruments in the area of digital technologies and creating monitoring and accountability mechanisms to ensure implementation of gender-sensitive policies and regulations, as well as analysing the gender impact of such policies in consultation and collaboration with women digital technology specialists, civil society organizations and gender equality advocates;

(c) Supporting initiatives taken by, inter alia, relevant international and non-governmental organizations, business enterprises, faith and community groups, religious leaders, parliamentarians, journalists, national human rights institutions, human rights defenders, including women human rights defenders, and indigenous leaders and groups, as part of their efforts to develop targeted and accessible responses, programmes and policies, including by allocating adequate resources aimed at promoting gender equality and at preventing, responding to and protecting women and girls from violence in digital contexts;

(d) Encouraging digital technology companies, including Internet service providers and digital platforms, to strengthen or adopt positive measures, including internal policies, to promote gender equality in the design, implementation and use of digital technologies with a view to eliminating violence against women and girls, and to refrain from presenting women and girls as inferior beings and exploiting them as sexual objects

and commodities, thereby empowering women and girls as key actors and contributors to and beneficiaries of sustainable development;

(e) Promoting, supporting and facilitating the full, equal and meaningful participation of women and girls in digital technology conceptualization, development and implementation so that they can fully, safely and actively participate in decision-making, policies and institutions at all levels;

(f) Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with their meaningful participation, with appropriate direction and guidance from parents and legal guardians, and with the active involvement of all relevant stakeholders, in order to empower them to safely use and navigate digital technologies, to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices and to promote and build decision-making, communication and risk reduction skills for the development of respectful relationships based on gender equality and human rights, as well as teacher education and training programmes for both formal and non-formal education;

(g) Ensuring that women and girls are able to exercise the right to freedom of opinion and expression online and offline without discrimination, and do not experience violence or threats of violence while exercising this right;

(h) Enacting and enforcing the necessary legislative or other measures, in cooperation with relevant stakeholders, including the private sector and civil society organizations, to prevent and eliminate violence against women and girls in digital contexts;

(i) Mainstreaming a gender perspective into their criminal justice systems and into efforts to prevent and combat crime, including digital technology-mediated and transnational organized crime, including by developing and implementing national criminal justice legislation, policies and programmes that take into account the important role and specific needs of women and girls and by promoting gender-specific measures in crime prevention and protection policies;

11. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls, including in digital contexts, and to protect all victims and survivors by:

(a) Holding perpetrators to account and combating impunity for all forms of violence, including violence used to intimidate women and girls who are exercising the right to freedom of opinion and expression;

(b) Ensuring that legislation allows for the timely and effective investigation, prosecution, sanction and redress of violence against women and girls in digital contexts;

(c) Publicly condemning all forms of violence against women and girls through media and information campaigns and providing women and girls with effective remedies for violence that takes place in digital contexts, including remedies that protect their privacy and avoid their secondary victimization;

(d) Ensuring the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including in digital contexts, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted

by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

(e) Removing gender bias from the administration of justice and enhancing the capacity and capability of law enforcement officials to address violence against women and girls, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating a gender perspective into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(f) Ensuring that all actors involved in or attempting to commit violence against women and girls are held accountable and brought to justice, taking into account the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts;

(g) Encouraging business enterprises, in the effective implementation of the Guiding Principles on Business and Human Rights, to protect the private data of women and girls, to create transparent and effective processes for reporting violence and to develop policies that meaningfully protect women and girls from violence in digital contexts;

(h) Encouraging and ensuring the participation of women and girls in the development and implementation of policies, programmes and other initiatives aimed at eliminating violence against women and girls in digital contexts;

(i) Establishing a system to regularly collect, analyse and publish statistical data disaggregated by sex, age and disability status on complaints about all forms of gender-based violence against women and girls;

12. *Encourages* States and, as appropriate, the relevant funds and programmes, organizations and specialized agencies of the United Nations system, international financial institutions, civil society organizations, the private sector and other stakeholders:

(a) To collect, share, positively recognize and widely publicize good practices to counter gender stereotyping, negative portrayals and the exploitation of women and girls in all forms of media and digital technologies as part of their efforts to eliminate violence and discrimination against women and girls;

(b) To enhance, for the benefit of women and girls, international cooperation in support of national efforts to create an enabling environment to reduce the digital and information divides between developed and developing countries, and to promote, develop and enhance access to digital technologies;

13. *Welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-eighth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its fortieth session;

14. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences as a matter of high priority, in conformity with its annual programme of work.

37th meeting
5 July 2018

[Adopted without a vote.]

United Nations A/HRC/RES/38/6

General Assembly

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 5 July 2018

38/6. Elimination of female genital mutilation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant human rights instruments,

Reaffirming that the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with the optional protocols thereto, constitute an important contribution to the legal framework for the protection and promotion of the human rights and fundamental freedoms of women and girls,

Recalling its resolutions 27/22 of 26 September 2014, on intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation, and 32/21 of 1 July 2016, on the elimination of female genital mutilation,

Recalling also General Assembly resolution 71/168 of 19 December 2016, on intensifying global efforts for the elimination of female genital mutilation, and all other relevant resolutions of the General Assembly, the Commission on the Status of Women and the Human Rights Council on measures to eliminate traditional practices that are detrimental to the rights of women and girls,

Recalling further the Vienna Declaration and Programme of Action,[1] the Programme of Action of the International Conference on Population and Development,[2] the Beijing Declaration and Platform for Action[3] and the outcomes of their review conferences,

[1] A/CONF.157/24 (Part I), chap. III.
[2] General Assembly resolution S-21/2, annex.

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Welcoming the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[4] and the Addis Ababa Action Agenda,[5] adopted as the outcome document of the Third International Conference on Financing for Development,

Recognizing that female genital mutilation is a harmful practice that violates, abuses and undermines the human rights of women and girls, that it is linked to other harmful practices and violations of such rights, which it perpetuates, and that such practices and violations, in turn, pose a serious threat to the health and well-being of women and girls, including their physical integrity and their mental, sexual and reproductive health,

Recognizing also that the practice has no documented health benefits and may, on the contrary, increase the risk of sickness and death, that it causes severe stress and shock, that it may give rise to post-partum and obstetric complications such as fistula or haemorrhage, and that it is likely to increase vulnerability to HIV and hepatitis C and B and to cause other health problems,

Recognizing further that the practice of female genital mutilation continues to have an adverse effect not on only the economic, legal, health and social status of women and girls, but also on the development of society as a whole, while the empowerment of and investment in women and girls, their full enjoyment of their human rights and their full, equal, effective and meaningful participation at all levels of decision-making are key to breaking the cycle of gender inequality, discrimination, gender violence and poverty and are critical, inter alia, to sustainable development,

Recognizing that female genital mutilation and all other harmful practices are mainly motivated by gender inequality and patriarchal social norms that jeopardize the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women and girls, and that harmful practices constitute a human rights violation and a form of violence against women and children,

Recognizing also that harmful practices such as female genital mutilation are an impediment to the full realization of gender equality and the empowerment of women and girls, respect for all human rights and fundamental freedoms of women and girls and the development of their full potential as equal partners with men and boys, as well as the achievement of the Sustainable Development Goals,

Convinced that such harmful practices seriously impede the implementation of legislative and normative frameworks that guarantee gender equality and human rights and prohibit gender-based discrimination,

Deeply concerned that, despite increased national, regional and international efforts, the practice of female genital mutilation persists in all parts of the world and that new forms, such as medicalization and cross-border practice, are emerging,

Concerned about evidence of an increase in the incidence of female genital mutilation being carried out by medical personnel in all regions in which it is practised,

Recognizing that the practice constitutes torture or ill-treatment and must be prohibited, in accordance with regional and international human rights standards, and that the trend towards the medicalization of female genital mutilation does not make it any more acceptable,

Expressing deep concern about the lack of effective measures for prosecuting perpetrators and providing victims of female genital mutilation with access to remedies and redress, health care and health services, psychosocial counselling, legal assistance and socioeconomic reintegration services,

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[3] Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[4] General Assembly resolution 70/1.

[5] General Assembly resolution 69/313, annex.

Recognizing the role of regional and subregional instruments and mechanisms in the prevention and elimination of female genital mutilation,

Taking note of the "UNiTE to end violence against women" campaign launched by the Secretary-General in 2018,

Recalling the inter-agency global strategy launched in 2010 by the World Health Organization to stop health-care providers from performing female genital mutilation,

Welcoming the growing global consensus on the need to take appropriate measures to prevent and eradicate female genital mutilation, and considering that this practice cannot be justified on religious or cultural grounds,

Recognizing that efforts at the local, national, regional and international levels have led to a decline in the global prevalence of female genital mutilation, but remaining deeply concerned that there is still a significant shortfall in the resources allocated to the elimination of female genital mutilation and that the lack of funding has severely limited the scope and roll-out of programmes and activities designed to eliminate the practice,

Reaffirming the obligations and commitments of States to respect, protect and promote the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of female genital mutilation,

Bearing in mind that States have primary responsibility for preventing and eliminating female genital mutilation and for achieving zero tolerance of the practice,

1. *Urges* States to condemn all harmful practices that affect women and girls, in particular female genital mutilation, including medical acts performed within or outside of medical institutions, and to take all necessary measures to prohibit female genital mutilation and to protect women and girls from this form of violence;

2. *Urges* States to adopt, implement, harmonize and enforce laws and policies to prevent and put an end to female genital mutilation, protect those at risk and support women and girls who have been subjected to the practice;

3. *Calls upon* States to develop and implement, with the participation of the relevant stakeholders — including girls, women, religious and traditional leaders, community leaders, health-care providers, civil society, human rights groups, men and boys and youth organizations — integrated, comprehensive and coordinated strategies and policies to prevent and eliminate all forms of female genital mutilation;

4. *Urges* States to ensure the national implementation of international and regional obligations that they have undertaken under the various international instruments that protect the full enjoyment of all human rights and fundamental freedoms of women and girls;

5. *Stresses* that the empowerment of women and girls is key to breaking the cycle of discrimination and violence and to promoting and protecting human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States, the international community and the United Nations system to stop the medicalization of female genital mutilation, which implies drawing up and disseminating guidance and legal provisions for medical personnel and traditional birth attendants so as to provide an adequate response to the chronic mental and physical health problems of the millions of women and girls who have undergone female genital mutilation, as these problems hinder progress in the field of health in general and in the protection of human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

7. *Urges* States to respect, protect and promote the human rights of all women and girls, and to adopt and expedite the implementation of laws, policies and programmes that protect and enable their enjoyment of all human rights and all fundamental freedoms, including their sexual and reproductive health;

8. *Urges* States to promote accountability and ensure access to justice for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of female genital mutilation, including by informing women and girls about their rights and removing all barriers to access to legal assistance and remedies;

9. *Calls upon* States to take the following immediate and effective measures to eradicate the practice of female genital mutilation:

(a) Address the root causes of gender inequality, including gender stereotypes and negative social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations such as patriarchal norms that perpetuate female genital mutilation;

(b) Place special emphasis on formal and informal education, in particular for young people, including girls, and for parents and religious, traditional and community leaders, about the harmful effects of female genital mutilation, and, in particular, encourage men and boys to become more involved in information and awareness campaigns and to be agents of change within communities, with the meaningful participation of women and girls who have been subjected to the practice;

(c) Continue and intensify their efforts to provide information and raise awareness about the harmful effects of female genital mutilation, increase their support for action to eliminate the practice at the community, national and international levels, and organize activities within this framework during the International Day of Zero Tolerance for Female Genital Mutilation, with the involvement of religious and traditional authorities;

(d) Develop, support and promote, as appropriate, educational programmes, including programmes on sexual and reproductive health, that challenge the negative stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

(e) Adopt national legislation prohibiting female genital mutilation, in line with international human rights law, and take steps to ensure its strict application, while working to harmonize their laws in order to effectively combat the cross-border practice of female genital mutilation, including by strengthening transnational police and judicial cooperation in the exchange of information on victims and perpetrators of female genital mutilation, in accordance with national laws and policies and international human rights law;

(f) Systematize the collection of data on female genital mutilation, encourage research, particularly at university level, transparency, accountability and data-sharing by the relevant stakeholders, and use the results to strengthen public information and awareness-raising activities and effectively measure the progress made in eliminating female genital mutilation;

(g) Assist professional associations and trade unions of health service providers in adopting internal disciplinary rules prohibiting their members from engaging in the harmful practice of female genital mutilation;

10. *Calls upon* States to provide assistance to women and girls who are victims of female genital mutilation, including through appropriate support services for treatment of the physical, physiological and psychological consequences;

11. *Encourages* States to consider presenting, during the universal periodic review, relevant recommendations on measures to prevent and eliminate female genital mutilation;

12. *Invites* the international community to keep the issue of the elimination of female genital mutilation on the agenda of development policies and to devote special attention to the issue in the implementation of the Sustainable Development Goals between now and 2030;

13. *Calls upon* States to continue to increase technical and financial assistance for the effective implementation of policies, programmes and action plans to eliminate female genital mutilation at the national, regional and international levels;

14. *Invites* the Joint Programme on Female Genital Mutilation/Cutting of the United Nations Population Fund and the United Nations Children's Fund to continue to develop the national capacities of States and local communities, including in the health sector, to ensure the effective implementation of policies, programmes and action plans with the involvement of all stakeholders, and encourages States and development cooperation agencies to consider increasing their financial support for the Joint Programme;

15. *Invites* the United Nations High Commissioner for Human Rights and the relevant human rights treaty bodies to continue to give special consideration to the question of the elimination of female genital mutilation;

16. *Requests* the United Nations High Commissioner for Human Rights, in close collaboration with the United Nations Population Fund, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other United Nations specialized agencies, funds and programmes, international human rights mechanisms and civil society organizations, to organize a two-day meeting in 2019, preferably in Addis Ababa, to discuss progress, gaps and challenges in the application of human rights norms, standards and principles to the measures taken by State and non-State actors to prevent and eliminate female genital mutilation in different contexts, including in the context of communities, humanitarian assistance and migration and other population movements, and to submit a report on the outcome of the above-mentioned meeting at the forty-fourth session of the Human Rights Council;

17. *Decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.

37th meeting
5 July 2018

[Adopted without a vote.]

United Nations A/HRC/RES/38/7

General Assembly

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Resolution adopted by the Human Rights Council on 5 July 2018

38/7. The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolutions 20/8 of 5 July 2012, 26/13 of 26 June 2014 and 32/13 of 1 July 2016 on the promotion, protection and enjoyment of human rights on the Internet, and Council resolutions 12/16 of 2 October 2009 on freedom of opinion and expression, 28/16 of 26 March 2015 and 34/7 of 23 March 2017 on the right to privacy in the digital age, 23/2 of 13 June 2013 on the role of freedom of opinion and expression in women's empowerment, and 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, and recalling also General Assembly resolutions 68/167 of 18 December 2013, 69/166 of 18 December 2014 and 71/199 of 19 December 2016 on the right to privacy in the digital age, 70/184 of 22 December 2015 on information and communications technologies for development, and 70/125 of 16 December 2015 containing the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, and recognizing that the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge digital divides and to develop knowledge societies,

Recalling that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights entitled "Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective"[1] and of the recommendations contained therein, in particular with regard to combating gender-based violence online,

Bearing in mind previous relevant reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and of the Special Rapporteur on the right to privacy,

Noting the launch by the General Conference of the United Nations Educational, Scientific and Cultural Organization of a process to develop an Internet universality indicator framework to assess the contribution to sustainable development from an Internet based on respect for human rights, openness and accessibility to all and guided by multi-stakeholder participation,

Noting also the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in São Paulo, Brazil, on 23 and 24 April 2014, at which participants acknowledged, inter alia, the need for human rights to underpin Internet governance, and that the rights that people have offline must also be protected online, and the session of the Internet Governance Forum held in Geneva from 18 to 21 December 2017, and previous sessions of the Forum,

Noting further the importance of building confidence and trust in the Internet, not least with regard to freedom of opinion and expression, privacy and other human rights, so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation between Governments, civil society, the private sector, the technical community and academia,

Expressing concern at the increasing use, in a globalized society, by terrorists and their supporters, of information and communications technology, and noting in this regard that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law,

Recognizing that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association,

Emphasizing also that access to information on the Internet facilitates vast opportunities in many spheres of life, including for affordable and inclusive education globally, and is therefore an important tool to facilitate promotion of the right to education, while underlining the need to address digital literacy and the digital divides, as they affect the enjoyment of the right to education, and underlining also the important role that international cooperation can play in this regard,

Expressing concern that many forms of digital divide remain between and within countries, and between men and women and boys and girls, and recognizing the need to close them, including through international cooperation, and recognizing also that the gender digital divide, which includes significant gender disparities in access to and use of information and communications technology, undermines women's full enjoyment of their human rights,

[1] A/HRC/35/9.

Recognizing that violations and abuses of women's rights online are a growing global concern that hinder the equal exercise and enjoyment of human rights and fundamental freedoms on the basis of gender, and may deter women from using information and communications technology, which can exacerbate the gender digital divide and widen gender inequalities in society,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, by promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and by encouraging women and girls to embark on careers in the sciences and in information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of opinion and expression, freedom of association and privacy,

Noting with concern the various forms of undue restriction of freedom of opinion and expression online, including where States have manipulated or suppressed online expression in violation of international law,

Expressing concern at the spread of disinformation and propaganda on the Internet, which can be designed and implemented so as to mislead, to violate human rights and privacy and to incite violence, hatred, discrimination or hostility,

Concerned at the arbitrary or unlawful collection, retention, processing and use or disclosure of personal data on the Internet, which could violate or abuse human rights,

Deeply concerned at all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and the impunity for these violations and abuses,

Deeply concerned also at measures in violation of international human rights law that aim to or that intentionally prevent or disrupt access to or dissemination of information online,

Emphasizing the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, in violation of their rights to privacy and to freedom of expression,

Stressing the importance of applying a human rights-based approach when providing and expanding access to the Internet, and of the Internet being open, accessible and nurtured by multi-stakeholder participation,

Recognizing that international human rights law should guide private sector actors and be the basis for their policies,

Considering the key importance of government engagement with all relevant stakeholders, including civil society, the private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

3. *Calls upon* all States to promote and facilitate international cooperation aimed at the development of media and information and communication facilities and technology in all countries;

4. *Affirms* that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet for all children, which can be an important tool in facilitating the promotion of the right to education, and to support similar learning modules outside of schools;

5. *Calls upon* all States to bridge the digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all, including by:

(a) Fostering an enabling online environment that is safe and conducive to engagement by all, without discrimination and with consideration for individuals facing systemic inequalities;

(b) Maintaining and enhancing efforts to promote access to information on the Internet as one means of facilitating affordable and inclusive education globally, underlining the need to address digital literacy and the digital divides;

(c) Promoting equal opportunities, including gender equality, in the design and implementation of information and communications technology and in mainstreaming a gender perspective in policy decisions and the frameworks that guide them;

(d) Applying a comprehensive human rights-based approach in providing and expanding access to information and communications technology, and promoting, in consultation with all sections of society, including business enterprises and civil society actors, policies and guidelines for information and communications technology that include specific attention to gender considerations;

6. *Calls upon* States to ensure effective remedies for human rights violations, including those relating to the Internet, in accordance with their international obligations;

7. *Encourages* all States to take appropriate measures to promote, with the participation of persons with disabilities, the design, development, production and distribution of information and communications technology and systems, including assistive and adaptive technologies, that are accessible to persons with disabilities;

8. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure the protection of all human rights online, in particular freedom of opinion and expression, freedom of association and privacy, including through democratic and transparent national institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

9. *Encourages* business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, which may include measures for encryption and anonymity, and calls upon States not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law;

10. *Condemns unequivocally* all human rights violations and abuses such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion, intimidation and harassment, as well as trafficking in persons, and sexual and gender-based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability in this regard;

11. *Also condemns unequivocally* online attacks against women, including sexual and gender-based violence and abuse of women, in particular where women journalists, media workers, public officials or others engaging in public debate are targeted for their expression, and calls for gender-sensitive responses that take into account the particular forms of online discrimination;

12. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling online environment for the enjoyment of human rights so that journalists may perform their work independently and without undue or unlawful interference, including by allowing them to secure their communications and to protect the confidentiality of their sources;

13. *Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, calls upon all States to refrain from and to cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression online;

14. *Condemns* all undue restrictions on freedom of opinion and expression online that violate international law, and notes with concern that such restrictions have a significant impact on women and girls and other individuals who may face multiple and intersecting forms of discrimination;

15. *Stresses* the importance of combating advocacy of hatred on the Internet, which constitutes incitement to discrimination or violence, including by promoting tolerance, education and dialogue;

16. *Calls upon* States, while fully respecting their human rights obligations and commitments regarding freedom of opinion and expression, to encourage media training, educational campaigns and other efforts aimed at identifying and raising awareness about information online that may be deliberately misleading or false;

17. *Urges* States to adopt, implement and, where necessary, reform laws, regulations, policies and other measures concerning personal data and privacy protection online in order to prevent, mitigate and remedy the arbitrary or unlawful collection, retention, processing, use or disclosure of personal data on the Internet that could violate human rights;

18. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have at their core the objective of universal access and the enjoyment of human rights;

19. *Encourages* the special procedures to take these issues into account within their existing mandates, as applicable;

20. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and with other information and communications technology, and of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

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5 July 2018

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38/8. Human rights in the context of HIV and AIDS

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and all relevant international human rights treaties,

Reaffirming also that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling Human Rights Council resolutions 12/27 of 2 October 2009, 30/8 of 1 October 2015, 32/15 of 1 July 2016, 35/23 of 23 June 2017 and 36/13 of 28 September 2017, and other relevant resolutions of the Council and the Commission on Human Rights,

Reaffirming the Political Declarations on HIV and AIDS adopted by the General Assembly on 2 June 2006, 10 June 2011 and 8 June 2016, and the Declaration of Commitment on HIV/AIDS adopted by the Assembly on 27 June 2001,

Recalling the International Guidelines on HIV/AIDS and Human Rights, annexed to Commission on Human Rights resolution 1997/33 of 11 April 1997, which provide guidance on ensuring respect for and the protection and fulfilment of human rights in the context of HIV,

Recalling also resolution 60/2 on women, the girl child and HIV and AIDS, adopted on 24 March 2016 by the Commission on the Status of Women,

Recalling further the panel discussion held on 11 March 2016, at the thirty-first session of the Human Rights Council, to review the progress in and challenges of addressing human rights in the context of efforts to end AIDS by 2030,[1]

Welcoming the 2017 Social Forum, on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics, and taking note with appreciation of its report,[2]

[1] See A/HRC/32/25.

Recognizing the leading role of the Joint United Nations Programme on HIV/AIDS and its co-sponsor organizations, such as the World Health Organization, in the global effort to end AIDS by 2030,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Welcoming the Sustainable Development Goals, including Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, particularly target 3.3, which envisages ending by 2030 the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combating hepatitis, waterborne diseases and other communicable diseases, as well as all other health-related Goals,

Recognizing that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Recognizing also that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Recognizing further that universal health coverage anchored in respect for and the protection and fulfilment of the human right to health is essential in the response to HIV and AIDS,

Noting with grave concern that, in spite of recent progress in the response to the HIV epidemic, approximately 36.7 million people are living with HIV globally, that an estimated 11.2 million people living with HIV are unaware of their HIV status, and that another 6 million who know of their infection have no access to antiretroviral therapy,

Particularly concerned that progress against the HIV epidemic is uneven across regions, countries and populations, that in some parts of the world new infections are increasing and access to HIV prevention, diagnosis, treatment, care and support remains limited, and that populations most in need of HIV services continue to be left behind,

Recognizing that women and girls are more vulnerable to HIV infection and that they bear a disproportionate burden of the impact of the HIV and AIDS epidemic, which includes care of and support for those living with and affected by HIV and AIDS, and that this negatively affects girls by depriving them of their childhood and diminishing their opportunities to receive an education, often resulting in their having to head households and increasing their vulnerability to the worst forms of child labour and to sexual exploitation,

Concerned at the continuing high prevalence of HIV among key populations,

Recognizing that addressing the holistic needs and rights of persons living with, at risk of or affected by HIV throughout the course of their life will require close collaboration with efforts to end poverty and hunger everywhere, to improve food and nutrition security and access to free, non-discriminatory primary and secondary education, to promote healthy lives and well-being, to provide access to HIV-sensitive social protection for all, including for children, to reduce inequalities within and among countries, to achieve gender equality and the empowerment of all women and girls, to provide for decent work and economic empowerment and to promote healthy cities, stable housing and just and inclusive societies for all,

Reaffirming that the full realization of all human rights and fundamental freedoms for all is an essential element in the global response to the HIV epidemic, including in the areas of prevention, diagnosis, treatment, care and support, and that such a response reduces a person's vulnerability to HIV,

[2] A/HRC/37/74.

Recognizing that addressing stigma, discrimination, violence and abuse against all persons living with, presumed to be living with, at risk of or affected by HIV is a critical element in ending AIDS,

Mindful of the importance of national, regional and international legal environments ensuring universal access to HIV-related prevention, diagnosis, treatment, care and support, including for key populations,

Recognizing the critical role and space of civil society, including communities, affected populations and community-based organizations, as a catalyst for rights-based and evidence-informed responses to HIV, and recognizing their long-standing contribution to the global response to AIDS,

Stressing the need for the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines, in particular essential medicines, vaccines, diagnostics and medical devices that are affordable, safe, efficacious and of quality; financial and technical support and training of personnel, while recognizing that the primary responsibility for respecting, protecting and fulfilling all human rights rests with States; and recognizing the fundamental importance of the transfer of environmentally sound technologies on favourable terms, including on concessional and preferential terms, as mutually agreed,

Reaffirming the right to use, to the fullest extent, the provisions contained in the World Trade Organization Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement), which provides flexibilities for the protection of public health and promotes access to medicines for all, in particular for developing countries, and in the Doha Declaration on the TRIPS Agreement and Public Health, which recognizes that intellectual property protection is important for the development of new medicines and also recognizes the concerns about its effects on prices,

Bearing in mind paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should work in close cooperation with regional organizations,

Reaffirming the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, including in the context of the response to HIV,

1. *Affirms* that respect for and the protection and fulfilment of human rights in the context of HIV, including universal access to HIV-related prevention, diagnosis, treatment, care and support, are an essential element in achieving the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and in ending AIDS;

2. *Welcomes* the Political Declaration on HIV and AIDS: On the Fast Track to Accelerating the Fight against HIV and to Ending the AIDS Epidemic by 2030, adopted by the General Assembly in its resolution 70/266 of 8 June 2016, and urges States to take all steps necessary to implement the commitments therein;

3. *Calls upon* all States and relevant United Nations funds, programmes and specialized agencies, and international and regional intergovernmental and non-governmental organizations, to continue to take all steps necessary to ensure respect for and the protection and fulfilment of human rights and to prevent and eliminate stigma, discrimination, violence and abuse in the context of HIV as an essential part of efforts to achieve the goal of universal access to HIV prevention, diagnosis, treatment, care and support;

4. *Urges* States to ensure full and unimpeded access for all persons living with, presumed to be living with, at risk of or affected by HIV, including key populations, to HIV prevention, diagnosis, treatment, care and support, in a public health environment free from discrimination, harassment or persecution against those seeking HIV-related services, while

respecting and protecting their right to privacy, confidentiality and free and informed consent;

5. *Also urges* States to bring their laws, policies and practices, including their strategies for implementing the HIV- and other health-related Sustainable Development Goals, fully into compliance with their obligations under international human rights law, and to review or repeal those that are discriminatory or that adversely affect the successful, effective and equitable delivery of HIV prevention, diagnosis, treatment, care and support programmes for all persons living with, presumed to be living with, at risk of or affected by HIV, including key populations;

6. *Expresses grave concern* that discriminatory attitudes and policies towards persons living with, presumed to be living with, at risk of or affected by HIV, including those co-infected by tuberculosis, continue to be reported, and that restrictive and punitive legal and policy frameworks continue to discourage and prevent people from having access to prevention, diagnosis, treatment, care and support services;

7. *Welcomes and encourages* regional efforts to set ambitious targets and design and implement strategies to accelerate the response to end AIDS;

8. *Encourages* the exchange, among countries and regions, of information, research, evidence, best practices and experiences for implementing the measures and commitments relating to the global response to HIV and AIDS, as well as subregional, regional, interregional and global cooperation and coordination;

9. *Reaffirms* that access to safe, effective and affordable medicines, diagnosis and treatment for all, without discrimination, in the context of epidemics such as HIV and AIDS, is fundamental to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

10. *Recognizes* the need to scale up national, regional and international efforts, including by increasing investments, funding, official development assistance, and technology transfer on mutually agreed terms, to reduce the rate of new HIV infections and AIDS-related deaths, in order to avoid the epidemic rebounding in some countries, which may not reach the ambitious, time-bound targets and commitments already set, including the Joint United Nations Programme on HIV/AIDS 90-90-90 treatment targets by 2020 and the target of ending the AIDS epidemic by 2030;

11. *Strongly encourages* States, in the context of HIV prevention, diagnosis, treatment, care and support, to provide human rights education and training for health workers, the police, law enforcement officers and prison staff, and other relevant professions, with a special focus on non-discrimination, free and informed consent and respect for the will and preferences of all, confidentiality and privacy, and non-harassment, so as to allow outreach and other service activities and to exchange best practices in this regard;

12. *Stresses* that the lack of respect for and of protection and fulfilment of the human rights of all women and girls and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, and of their enjoyment of the right to the highest attainable standard of physical and mental health, aggravates the impact of the epidemic among them and increases their vulnerability;

13. *Calls upon* States to address as a priority the vulnerabilities faced by children affected by or living with HIV, providing those children and their families with social protection, support and rehabilitation, including social and psychological rehabilitation and care, paediatric services and medicines, free from stigma and discrimination, and intensifying efforts to eliminate vertical transmission and to develop and provide early diagnosis tools, child-friendly medicine combinations and new treatments for children, particularly for infants living in resource-limited settings, and building, where needed, and supporting social security systems that protect them;

14. *Emphasizes* that addressing the specific needs of adolescents and young people, especially girls and young women, in the response to HIV is a key element in efforts to achieve an AIDS-free generation, and urges Member States to develop accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, as well as comprehensive education programmes, including those related to sexually transmitted infections, and to strengthen efforts in this regard, including by ensuring the active involvement of young people living with or affected by HIV in the response;

15. *Calls upon* States to accelerate efforts to scale up scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, sexuality and HIV prevention, gender equality and women's empowerment, human rights, and physical, psychological and pubertal development;

16. *Recalls* that the multiple or aggravated forms of discrimination, stigma, violence and abuse often faced by persons living with, presumed to be living with or affected by HIV and by members of key populations have negative consequences for their enjoyment of the highest attainable standard of mental health;

17. *Emphasizes* the need to take into account the public health dimension of the world drug problem, in accordance with the operational recommendations of the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem";[3]

18. *Stresses* that breaking the cycles of HIV transmission requires ensuring that all people receive adequate HIV prevention, diagnosis, treatment, care and support throughout their life cycles, including specialized care for HIV and other chronic conditions linked to ageing, response to drug-resistant strains of HIV, and resistance to antiretrovirals as well as antimicrobial resistance;

19. *Urges* States to address the multiple and intersecting forms of discrimination and the specific health-care needs experienced by migrant and mobile populations, and by refugees and crisis-affected populations, in the context of HIV and to eliminate stigma, discrimination and violence, as well as to review policies related to restrictions on entry on the basis of HIV status with a view to eliminating such restrictions and the return of people on the basis of their HIV status, and to support their access to HIV prevention, diagnosis, treatment, care and support;

20. *Stresses* the need to ensure that gender equality strategies also address the impact of harmful gender norms, including delayed health-seeking behaviours, lower coverage of HIV testing and treatment and higher HIV-related mortality among men, in order to ensure better health outcomes for men and to reduce HIV transmission to partners;

21. *Also stresses* that comprehensive HIV prevention, diagnosis, treatment, care and support should be available in prisons and other custodial settings;

22. *Encourages* States, United Nations agencies, funds and programmes, international, regional and non-governmental organizations, national human rights institutions and other relevant stakeholders to ensure the meaningful participation of persons living with or affected by HIV and of key populations both in decision-making processes relating to, and in the implementation of, policies and programmes on HIV;

23. *Requests* the United Nations High Commissioner for Human Rights to organize a consultation, in the first half of 2019, in coordination with the Joint United Nations Programme on HIV/AIDS, lasting one and a half days, to discuss all relevant issues and challenges pertaining to respect for and the protection and fulfilment of human rights in the context of the response to HIV, with a focus on regional and subregional strategies and best practices;

[3] General Assembly resolution S-30/1.

24. *Also requests* the High Commissioner to invite to the consultation Member States and all other stakeholders, including relevant United Nations bodies, agencies, funds and programmes, the special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the treaty bodies, regional human rights and health organizations and bodies, national human rights institutions and civil society, including persons living with, presumed to be living with, at risk of or affected by HIV;

25. *Further requests* the High Commissioner to prepare a report on the outcome of the consultation, in which the High Commissioner identifies regional and subregional strategies and best practices to respond to the HIV epidemic and to respect, protect and fulfil the rights of persons living with, presumed to be living with, at risk of or affected by HIV, and to present the report to the Human Rights Council at its forty-first session.

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38/9. The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 35/2 of 22 June 2017, and the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Welcoming the progress made in achieving the Education for All goals and the related Sustainable Development Goals, including Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including internally displaced persons and refugees,

Reiterating the commitments to strengthen the means of implementation, including Goal 17 of the Sustainable Development Goals and the commitments under each Goal, and the actions outlined in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development for ensuring the full realization of the Sustainable Development Goals,

Reiterating also the importance of early childhood development as a valuable foundation of the entire basic education system,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, the fact that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on and the military use of educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, discrimination based on race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status, early marriage or pregnancy, the lack of appropriate sanitary facilities, gender stereotypes, patriarchal social norms, and on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, the development by experts of guiding principles and tools for States, and ensuring justiciability of this right, and aware of the role that communications procedures can play in promoting the justiciability of the right to education,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as:

(a) Reviewing national education governance systems, which include the laws, policies, institutions, administrative procedures and practices, monitoring and accountability mechanisms, and judicial procedures relating to the right to education, in accordance with their obligations under international human rights law and remaining consistent with the commitments undertaken by all States in the Sustainable Development Goals;

(b) Applying the principles of transparency, accountability and non-discrimination in national and local education governance and management structures, inter alia, by ensuring that governance structures and practices are accessible to the public and are verifiable;

(c) Promoting inclusive participation in education governance mechanisms and procedures, inter alia, by facilitating the inclusion in and engagement of teachers, parents and local authorities, students and other stakeholders in the education governance system;

(d) Promoting human rights training for all actors and stakeholders in education governance systems, addressing national education and training programmes, and ensuring that the components and processes of education governance and management, including

curricula, methods and training, are undeniably conducive to strengthening learning about human rights;

(c) Developing national monitoring and evaluation systems to inform education policies and to assess whether education systems are meeting national objectives, human rights obligations and the Sustainable Development Goals, inter alia, by collecting detailed and disaggregated data in order to evaluate whether the target populations, including girls and women, and members of groups in vulnerable situations, are adequately included, and how they are performing;

3. *Also urges* all States to expand educational opportunities for all without discrimination, including by implementing special programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Urges* States to put in place a regulatory framework to ensure the regulation of all education providers, including those operating independently or in partnership with States, guided by international human rights law and principles, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms, including in-service training, apprenticeship and internships, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Welcomes*:

(a) The work of the Special Rapporteur on the right to education, and takes note of her latest report, on governance and the right to education;[1]

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, as well as the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and the education-related Sustainable Development Goals;

8. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

[1] A/HRC/38/32.

9. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical steps, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

10. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations;

11. *Also calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, including by taking measures to deter the military use of schools, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

12. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

13. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

14. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including sexual harassment, school-related sexual and gender-based violence, and bullying of children, in schools and other educational settings, and to realize gender equality and the right to education for all;

15. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

16. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

17. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

18. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

19. *Decides* to remain seized of the matter.

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38/10. Human rights and the regulation of civilian acquisition, possession and use of firearms

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other international human rights law instruments and the Vienna Declaration and Programme of Action,

Recalling also General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolutions 5/1 and 5/2 and decision 5/101 of 18 June 2007, 16/21 of 25 March 2011, 26/16 of 26 June 2014 and 29/10 of 2 July 2015,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] in particular Sustainable Development Goal 16 to promote peaceful and inclusive societies,

Recalling that States bear the primary responsibility under international law to respect, protect and fulfil all human rights, namely civil, political, economic, social and cultural rights, and fundamental freedoms, and that such responsibility may include, as appropriate, enacting and enforcing relevant national legislation and implementing related policies and practices,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to the realization of their economic, social and cultural rights, and to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Alarmed that hundreds of thousands of human beings of all ages around the world continue to have their human rights, in particular their right to life and security of person,

[1] General Assembly resolution 70/1.

negatively affected by the misuse, intentional or unintentional, of firearms, which has direct links to violence, including violence against women and children, and domestic violence,

Noting with concern that cases of civilian firearms-related violence cause death, non-fatal physical injuries and psychological trauma, and may lead to severe disability and an overall decline in a sense of public safety,

Recognizing that the costs generated by civilian firearms-related violence in terms of, inter alia, medical treatment, mental health services and criminal justice might undermine the capabilities of States to use their resources to further enhance the promotion and protection of human rights and fundamental freedoms,

Recognizing also that national regulation of civilian acquisition, possession and use of firearms includes appropriate measures to avoid illicit practices, including diversion of firearms,

Recognizing further the importance of systematic measuring, monitoring and reporting of civilian firearms related-violence for the enjoyment of human rights,

Acknowledging that effective national regulation of civilian acquisition, possession and use of firearms may contribute positively to diminishing the number of victims of the misuse of firearms, and may enhance the protection of all human rights, namely civil, political, economic, social and cultural rights,

Acknowledging also the efforts made by different States at various levels, including at the regional and subregional levels, to ensure that civilian acquisition, possession and use of firearms in their respective societies are effectively regulated,

1. *Reiterates* its deep concern at the fact that hundreds of thousands of human beings of all ages around the world have lost their lives or suffered injuries and psychological harm by the misuse of firearms by civilians, thus having their human rights, in particular their right to life and security of person, negatively affected;

2. *Recognizes* that civilian firearms-related violence and insecurity pose direct risks to the right to life, security of person and physical integrity, and also affect other civil and political, as well as economic, social and cultural rights, including the rights to health, to education, to an adequate standard of living and social security and to the right to participate in public, political and cultural life;

3. *Calls once more upon* all States to do their utmost to take appropriate legislative, administrative and other measures, consistent with international law, in particular human rights law, and their constitutional frameworks, in order to ensure that civilian acquisition, possession and use of firearms are effectively regulated with the aim of enhancing the protection of the human rights of all;

4. *Calls upon* States to ensure that regulations on civilian acquisition, possession and use of firearms include appropriate measures to avoid illicit practices, including diversion of firearms;

5. *Also calls upon* all States to take effective measures with the aim of implementing the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, to promote peaceful and inclusive societies;

6. *Welcomes* the report of the United Nations High Commissioner for Human Rights on human rights and the regulation of civilian acquisition, possession and use of firearms, and the different ways in which firearms have been effectively regulated;[2]

7. *Requests* the High Commissioner to prepare a report on the impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights with a view to contributing to a fuller understanding of that impact by States and other relevant stakeholders, and to the strengthening or developing of effective national regulation and to other possible measures taken by States, and to present the report to the Human Rights Council at its forty-second session;

[2] A/HRC/32/21.

8. *Invites* all relevant special procedures, commissions of inquiry and human rights treaty bodies, as well as the Office of the High Commissioner, to continue to bear in mind the present resolution within the framework of their respective mandates;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States;

10. *Decides* to remain seized of this issue.

37th meeting
5 July 2018

[Adopted without a vote.]

United Nations A/HRC/RES/38/11

General Assembly

Distr.: General
16 July 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 6 July 2018

38/11. The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant regional human rights instruments,

Recalling the Vienna Declaration and Programme of Action,

Recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reaffirming that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013, 25/38 of 28 March 2014 and 31/37 of 24 March 2016 on the promotion and protection of human rights in the context of peaceful protests, and other relevant resolutions of the Human Rights Council,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, and be necessary and proportionate to further a legitimate aim, in accordance with the State's obligations under applicable international human rights instruments, and that, if imposed,

administrative or judicial review that is prompt, competent, independent and impartial should be available,

Recalling that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

Noting that the proper management of assemblies involves and can have an impact on respect for human rights before, during and after an assembly, and aims to contribute to its peaceful conduct and to prevent injuries to and loss of life of protesters, those monitoring such protests, bystanders and officials exercising law enforcement duties,

Acknowledging that peaceful protests may occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

Recognizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums,

Recognizing also that peaceful protests have historically played a constructive social and political role in the development of more just and accountable societies, and that such protests can continue to make a positive contribution to human development,

Acknowledging that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone, including persons espousing minority or dissenting views or beliefs, must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisal or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Deeply concerned about extrajudicial, summary or arbitrary executions, and torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Concerned about the emerging trend of disinformation and of undue restrictions preventing Internet users from having access to or disseminating information at key political moments, with an impact on the ability to organize and conduct assemblies,

Noting that the possibility of using communications technology securely and privately, in accordance with international human rights law, is important for the organization and conduct of assemblies,

Noting also that, although an assembly has generally been understood as a physical gathering of people, human rights protections, including for the rights to freedom of peaceful assembly, of expression and of association, may apply to analogous interactions taking place online,

Recalling the rights to freedom of peaceful assembly, of expression and of association, which encompass organizing, participating, observing, monitoring and recording assemblies,

Expressing its concern at the criminalization, in all parts of the world, of individuals and groups solely for having organized, taken part in or observed, monitored or recorded peaceful protests,

Stressing that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recalling that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

Bearing in mind that assemblies can be facilitated on the basis of communication and collaboration among organizers, protesters, local authorities and officials exercising law enforcement duties,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

Encouraging all States to make appropriate use of the Resource book on the use of force and firearms in law enforcement published by the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, and the updated training package of the Office of the High Commissioner on human rights law and law enforcement,

Recalling the importance of adequate training for officials exercising law enforcement duties assigned to the management of assemblies, and of refraining, to the extent feasible, from assigning military personnel to perform such duties,

1. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations and abuses, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings, or threats of such acts at all times;

2. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, to clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

3. *Encourages* all States to give due consideration to the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned,[1] which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, and to promote and protect human rights in the context of assemblies, including peaceful protests;

4. *Calls upon* States to facilitate peaceful protests by providing protesters, to the extent possible, with access to public space within sight and sound of their intended target

[1] See A/HRC/31/66.

audience, and by protecting them, without discrimination, where necessary, against any form of threat or harassment, and underlines the role of local authorities in this regard;

5. *Underlines* the important role that communication between organizers, protestors, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls upon States to establish such appropriate channels;

6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as gender-based violence, including sexual assault, in the context of peaceful protests;

7. *Reaffirms* that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, of expression and of association, including in the context of peaceful protests;

8. *Calls upon* all States to pay particular attention to the safety of journalists and media workers observing, monitoring and recording peaceful protests, taking into account their specific role, exposure and vulnerability;

9. *Also calls* upon all States to refrain from and cease measures, when in violation of international human rights law, seeking to block Internet users from gaining access to or disseminating information online;

10. *Urges* all States to avoid using force during peaceful protests, to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force, and also to ensure that assistance and medical aid are rendered to any injured or affected person at the earliest possible moment;

11. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force in the context of law enforcement and are effectively implemented by officials exercising law enforcement duties, in particular, applicable principles of law enforcement, such as necessity and proportionality, bearing in mind that lethal force may only be used as a last resort to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

12. *Affirms* that nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law;

13. *Calls upon* States to investigate any death or significant injury, including those that lead to disability, incurred during protests, including those resulting from the discharge of firearms or the use of less-lethal weapons by officials exercising law enforcement duties or by private personnel acting on behalf of the State;

14. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of the State, including in international human rights law and, where appropriate, international humanitarian law, and in this regard urges States to include in such training the application of de-escalation strategies;

15. *Encourages* States to make appropriate protective equipment and less-lethal weapons available to their officials exercising law enforcement duties in order to decrease their need to use weapons of any kind, while pursuing efforts to regulate and establish protocols for the training and use of less-lethal weapons, bearing in mind that even less-lethal weapons can result in a risk to life;

16. *Underlines* the importance of thorough and independent testing of less-lethal weapons prior to procurement and deployment to establish their lethality and the extent of likely injury, and of monitoring appropriate training and use of such weapons;

17. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies, including peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to international human rights law and standards;

18. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent injuries, including those that lead to disability, and loss of life of protestors, those observing, monitoring and recording such assemblies, bystanders, and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure accountability for such violations and abuses and to provide victims with access to a remedy and redress;

19. *Recognizes* the importance of documenting human rights violations and abuses committed in the context of peaceful protests, and the role that can be played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders, in this regard;

20. *Urges* States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law and in conformity with their international human rights obligations and commitments, and to provide all victims with access to a remedy and redress, including in the context of peaceful protests;

21. *Requests* the United Nations High Commissioner for Human Rights to prepare a thematic report on new technologies, including information and communications technology, and their impact on the promotion and protection of human rights in the context of assemblies, including peaceful protests, and to submit it to the Human Rights Council prior to its forty-fourth session;

22. *Also requests* the High Commissioner, in preparing the thematic report, to draw from the experience of treaty bodies and to seek the views of States and relevant partners, such as United Nations agencies, regional organizations, national human rights institutions, civil society organizations and relevant special procedure mandate holders;

23. *Decides* to continue its consideration of this topic and next steps at its forty-fourth session under agenda item 3.

38th meeting
6 July 2018

[Adopted without a vote.]

United Nations A/HRC/RES/38/12

General Assembly

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Thirty-eighth session
18 June–6 July 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 6 July 2018

38/12. Civil society space: engagement with international and regional organizations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recognizing their continued significance and relevance in the context of their anniversaries, and guided further by the International Covenants on Human Rights and all other relevant instruments,

Reaffirming the importance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular in the context of its twentieth anniversary,

Recalling its resolutions 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,

Recalling also all other Human Rights Council and General Assembly resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of human rights; the promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

Reminding States of their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, inter alia, the rights to freedom of expression and opinion and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs, and that respect for all such rights, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as when addressing financial and economic crises, responding to public health crises, responding to humanitarian crises, including in the context of armed conflict, promoting the rule of law and accountability, achieving transitional justice goals, protecting the environment, realizing the right to development, empowering persons belonging to minorities and

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vulnerable groups, combating racism and racial discrimination, supporting crime prevention, countering corruption, promoting corporate social responsibility and accountability, combating human trafficking, empowering women and youth, promoting the rights of the child, advancing social justice and consumer protection, the realization of all human rights and the implementation of the 2030 Agenda for Sustainable Development,

Recalling Economic and Social Council resolution 1996/31 of 25 July 1996 and the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels while acknowledging their expertise and their capacity to support the work of the United Nations,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

Recalling the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006, and welcomes the contribution of civil society in this regard,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, including the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, and welcoming also its recognition of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Welcoming also the fundamental contribution that civil society and human rights defenders make to the promotion of human rights, the creation of peaceful dialogue and the building of pluralistic democracies,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, discrimination and attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights, and strongly condemning all such violations and abuses,

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter of the United Nations and international human rights law,

Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society actors, or registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use or misuse of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

Recognizing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of a diverse and pluralistic civil society, and that undue

restrictions on funding to civil society actors undermine the right to freedom of association and the ability to participate effectively and meaningfully in regional and international organizations,

Reaffirming the importance of adopting and implementing non-discriminatory measures to assist in the strengthening of a diverse and pluralistic civil society, including through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in decision-making processes,

Recognizing that access to information, online and offline, is fundamentally important to civil society organizations in conducting their work effectively and meaningfully, and that any restriction on the freedom to seek, receive and impart information must comply with relevant international law,

Recognizing also the crucial importance of the active involvement of civil society, at the national, regional and international levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

1. *Reaffirms* that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Urges* States to fulfil their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, online and offline as applicable, inter alia, the right to freedom of expression and opinion, including artistic expression and creativity, and the right to assemble peacefully and associate freely;

3. *Encourages* States and organizations to put in place transparent, fair and gender-sensitive accreditation processes that deliver prompt decisions in compliance with human rights standards, including by establishing grievance mechanisms for redress, and to address any erroneous accreditation decisions;

4. *Encourages* States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including indigenous peoples and others not associated with or organized in non-governmental organizations;

5. *Urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;

6. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;

7. *Urges* States and strongly encourages international and regional organizations to adopt and implement robust policies on access to information, in compliance with relevant international law;

8. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;

9. *Emphasizes* the essential contribution that civil society makes to regional and international organizations, including through advocacy and awareness-raising, the sharing of expertise and knowledge, and implementation, monitoring and evaluation processes, and once again unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms;

10. *Recognizes* the valuable contribution of national, regional and international human rights mechanisms and bodies, including the universal periodic review and the special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

11. *Also recognizes* that the effective functioning of the above-mentioned regional and international human rights mechanisms and bodies is inexorably linked to civil society participation;

12. *Encourages* the special procedures of the Human Rights Council, the treaty bodies and relevant United Nations bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;

13. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review, in compliance with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011;

14. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations,[1] and notes the concerns expressed therein regarding the challenges facing civil society in this regard;

15. *Encourages* States to apply good practices, including, but not limited to, those compiled in the report of the High Commissioner on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society,[2] and the good procedures and practices identified by the High Commissioner in his report on procedures and practices in respect of civil society engagement with international and regional organizations;[1]

16. *Invites* States to seek technical assistance and advice in this regard, including from the Office of the High Commissioner, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

17. *Calls upon* States to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil society engagement with international and regional organizations, and welcomes efforts already made in this regard;

18. *Strongly encourages* all relevant United Nations bodies to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil

[1] A/HRC/38/18.
[2] A/HRC/32/20.

society engagement with international and regional organizations, and welcomes efforts already made in this regard;

19. *Notes* the intention of a group of States to undertake a stocktaking exercise in the run-up to the forty-first session of the Human Rights Council, to examine the progress made to date in improving civil society engagement in international and regional organizations, with particular reference to the recommendations made by the High Commissioner in his report,[1] and invites States and other stakeholders, including the Office of the High Commissioner and civil society, to participate in this exercise;

20. *Welcomes* the work of the Office of the High Commissioner to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;

21. *Requests* the High Commissioner to prepare a report on progress made in improving civil society engagement with international and regional organizations and to present it to the Human Rights Council at its forty-fourth session;

22. *Decides* to remain seized of the matter.

38th meeting
6 July 2018

[Adopted by a recorded vote of 35 to 0, with 11 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Ecuador, Georgia, Germany, Hungary, Iraq, Japan, Kenya, Mexico, Mongolia, Nepal, Pakistan, Panama, Peru, Philippines, Republic of Korea, Rwanda, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Burundi, China, Cuba, Egypt, Ethiopia, Kyrgyzstan, Nigeria, Qatar, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)]

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Resolution adopted by the Human Rights Council on 6 July 2018

38/13. Business and human rights: improving accountability and access to remedy

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action, and recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of the International Labour Organization, which provides direct guidance to enterprises on social policy and inclusive, responsible and sustainable workplace practices as a global instrument that was formulated and has been adopted by Governments, employers and workers around the world,

Recalling General Assembly resolution 72/247 of 24 December 2017 on the twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also its resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014 and 32/10 of 30 June 2016, and Commission on Human Rights resolution 2005/69 of 20 April 2005, and noting Human Rights Council resolution 26/9 of 14 July 2014, all on the issue of human rights and transnational corporations and other business enterprises,

Recalling further the adoption by the General Assembly, in its resolution 70/1 of 25 September 2015, of the 2030 Agenda for Sustainable Development, and in this context, in particular paragraph 67 thereof,

Recalling in particular that the endorsement of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights impact from business

activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" Framework,

Stressing that the obligation and the primary responsibility to promote, protect and fulfil human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Recognizing the efforts made to implement the Guiding Principles on Business and Human Rights by various States, business enterprises, international organizations and members of civil society,

Recognizing also that the implementation of the Guiding Principles on Business and Human Rights includes implementation of the access to remedy pillar, and encouraging States to take appropriate steps to improve and encourage corporate accountability and access to remedy for victims of business-related human rights abuse,

Expressing concern at reports of intimidation against victims, witnesses and their legal representatives regarding cases of business-related human rights abuse, and emphasizing the need to ensure their safety,

Recognizing the valuable role played by civil society, including non-governmental organizations, in promoting the implementation of the Guiding Principles on Business and Human Rights and accountability for business-related human rights abuses and in raising awareness of the human rights impact and risks of business enterprises and activities,

Recognizing also that the operational principles of the access to remedy pillar include State-based judicial mechanisms, State-based non-judicial grievance mechanisms and non-State-based grievance mechanisms,

Reaffirming in particular that independent and effective judicial mechanisms are at the core of ensuring access to remedy, and encourage States to provide effective and appropriate judicial and non-judicial grievance mechanisms as part of access to remedy for business-related human rights abuses,

Reaffirming that States can play a helpful role in raising awareness of or facilitating access to non-State-based grievance mechanisms alongside the mechanisms provided by States themselves as part of comprehensive efforts to provide remedy for business-related human rights abuses,

Recognizing that national legal, policy or regulatory measures and national action plans on business and human rights can play an important role in implementing the Guiding Principles on Business and Human Rights, including in identifying and addressing issues on access to remedy for business-related human rights abuses,

Recognizing also the positive and valuable role played by civil society, including non-governmental organizations, business enterprises and trade unions, in the promotion and protection of human rights, including in the context of corporate activity and when seeking accountability and assisting victims in their access to effective remedies in cases of business-related human rights abuses,

Recognizing further the important role of national human rights institutions in supporting activities to improve accountability and access to remedy for victims of business-related human rights abuse, including through supporting the effective implementation of the Guiding Principles on Business and Human Rights,

Recognizing that an increasing number of business enterprises have taken steps to implement the Guiding Principles on Business and Human Rights,

Recognizing also that non-State-based grievance mechanisms administered by business enterprises, alone or with stakeholders, by industry associations or other multi-stakeholder initiatives may offer, in particular when aligned with the Guiding Principles on Business and Human Rights, such benefits as speed of access and remediation and reduced costs,

Recognizing further the shared interest of business, States and civil society in an environment that is pluralistic and non-discriminatory, upholding the rule of law and promoting transparency, and that responsible business enterprises benefit from and often depend upon legal certainty, transparency and predictability, and fair and effective domestic judicial mechanisms,

1. *Welcomes* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse, and notes with appreciation his report on improving accountability and access to non-judicial remedy for business-related human rights abuses;[1]

2. *Also welcomes* the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in guiding and chairing the annual Forum on Business and Human Rights and in convening regional meetings to discuss challenges and lessons learned in a regional context;

3. *Further welcomes* the efforts of the Working Group to explore options for enhancing access to effective remedies, including in its latest report to the General Assembly[2] and in the sixth session of the Forum, which focused on realizing access to effective remedy;[3]

4. *Invites* States to consider using the reports of the High Commissioner, including the recommendations therein, when seeking to enhance the ability and effectiveness of State-based judicial and non-judicial mechanisms;

5. *Also invites* States to work through relevant intergovernmental processes to enhance accountability and access to remedy for victims in cases of business involvement in human rights abuses;

6. *Encourages* all business enterprises to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights and in other applicable standards, including for example by actively contributing to initiatives aimed at fostering a culture of respect for the rule of law, for the protection of human rights, participating in good faith in national judicial and non-judicial processes, and by establishing effective operational-level mechanisms to enable the early resolution of grievances;

7. *Encourages* business enterprises to share publicly and disseminate broadly information regarding their human rights policies and procedures to enhance engagement with stakeholders, including affected communities, with respect to business operations and the preventative measures that businesses can take;

8. *Requests* the Working Group, mindful of the guidance provided by the Accountability and Remedy Project of the Office of the High Commissioner, to analyse further the role of national human rights institutions in facilitating access to remedy for business-related human rights abuses, and to convene a two-day global consultation on these issues, open to all stakeholders, and to inform the Human Rights Council by its forty-fourth session as appropriate;

9. *Requests* the High Commissioner to continue his work in this area, including the dissemination of parts I and II of the Accountability and Remedy Project,[4] and to identify and analyse challenges, opportunities, best practices and lessons learned with regard to non-State-based grievance mechanisms that are relevant to the respect by business enterprises for human rights, to convene two consultations, involving representatives of States and other stakeholders to discuss such issues, and to submit a report thereon to the Human Rights Council for consideration at its forty-fourth session;

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[1] A/HRC/38/20 and Adds.1-2.

[2] A/72/162.

[3] See A/HRC/38/49.

[4] See A/HRC/32/19 and Corr.1 and Add.1, and A/HRC/38/20 and Add.1.

10. *Encourages* all relevant United Nations programmes and agencies to assist States upon their requests, including through technical cooperation and capacity-building activities, and to improve accountability and access to remedy for victims of business-related human rights abuse by taking into consideration the reports of the High Commissioner on the Accountability and Remedy Project and the recommendations contained therein;

11. *Encourages* national human rights institutions and civil society, including non-governmental organizations, to take into consideration the reports of the High Commissioner on the Accountability and Remedy Project in their activities aimed at supporting States' efforts to improve accountability and access to judicial and non-judicial remedy for victims of business-related human rights abuse;

12. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses, and to inform further deliberations of the Human Rights Council on business and human rights;

13. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

38th meeting
6 July 2018

[Adopted without a vote.]